



ARIZONA DEPARTMENT OF PUBLIC SAFETY

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"Courteous Vigilance"

JANICE K. BREWER
Governor

ROBERT C. HALLIDAY
Director

DATE: October 22, 2012

TO: CONTRIBUTOR OF APPLICANT FINGERPRINT CARDS

SUBJECT: CLEARANCE CARDS AND FINGERPRINT-BASED BACKGROUND CHECKS

It has come to the attention of the Arizona Department of Public Safety that some charter schools may be submitting applications for Identity Verified Prints (IVP) clearance cards for personnel who are not qualified under Arizona Revised Statutes (ARS) to receive such cards.

The IVP clearance card process is for:

- Arizona Department of Education Certification (ARS §15-534)
- Tutors/Teacher Preparation Programs (ARS §15-534)
- Charter School Instructors (ARS §15-183)

ARS §15-183.C.5 states:

All persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal shall have a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1, unless the person is a volunteer or guest speaker who is accompanied in the classroom by a person with a valid fingerprint clearance card.

Additionally, ARS §15-183 states, "All other personnel shall be fingerprint checked pursuant to section 15-512."

Under statutory provision:

- Contractors, subcontractors, and vendors (and the employees of the contractors, subcontractors, and vendors) must submit for **non-IVP clearance cards** under ARS §15-512.
- Non-certificated employees and non-instructional volunteers qualify to be fingerprint-checked under the **criminal history check** provisions of ARS §15-512. This refers to the fingerprint-based criminal history check process under which the charter school submits the fingerprint card and receives a printout of the applicant's criminal history for review at the school or school's human resources department.

The enclosed page describes the difference between the clearance card process and the fingerprint-based criminal history check processes and has a quick reference chart on the back. All charter schools should be making use of both these processes; the process used depends on the applicant's position/function at the school.

If you have any questions regarding this letter, please do not hesitate to contact one of the DPS Access Integrity Unit Compliance Specialists listed below:

Megan Dryer (602) 223-2720
Nancy Jefferys (602) 223-2327

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Sincerely,

A handwritten signature in black ink that reads "Megan C. Dryer".

Megan Dryer, ACJIS Compliance Specialist
DPS Access Integrity Unit

CLEARANCE CARD PROCESS and FINGERPRINT-BASED CRIMINAL HISTORY CHECK PROCESS

CLEARANCE CARD PROCESS

When an individual applies for either an Identity Verified Prints clearance card or a non-IVP clearance card, the applicant's fingerprints are submitted along with an application. The correct boxes pertaining to the applicant's status must be marked on the application.

The fingerprints are checked for both state and national criminal history. The Arizona Department of Public Safety screens the results of the criminal history check according to the applicable criteria in ARS §41-1758.03 and ARS §41-1758.07 to determine whether the applicant is eligible to receive either a Level One or regular fingerprint clearance card. If the applicant is approved for a card, the plastic clearance card is sent directly to the applicant. If not approved, a denial letter is sent.

A fingerprint clearance card is valid for 6 years from the date it is issued. If an applicant possesses a valid fingerprint clearance card and gets arrested in Arizona, DPS is notified; if the arrest is a precluding offense under state law, the card will be suspended. (ARS §41-1758.03 and ARS §41-1758.07 contain a list of appealable and non-appealable precluding offenses.)

FINGERPRINT-BASED CRIMINAL HISTORY CHECKS (through the Applicant Team)

Non-instructional charter school employees and volunteers do not qualify for either an IVP fingerprint clearance card OR a non-IVP clearance card; they only qualify for a fingerprint-based criminal history check under ARS §15-512.

The fingerprint-based criminal history check for charter schools includes both state and national criminal history record information. The results are not screened by DPS; the criminal history results are returned to the charter school for review by the school personnel responsible for making the employment eligibility determination.

The results of a criminal history background check may only be used for the specific purpose for which it was given and may not be re-disseminated unless otherwise authorized by law. The existence or nonexistence of criminal history record information shall not be confirmed to any individual or agency not otherwise authorized to receive the criminal history itself. Your charter school may discuss the criminal record contents with the applicant to determine employment eligibility but cannot provide a copy to the applicant. If the applicant would like a copy of his or her own Arizona criminal history, a review and challenge packet may be requested from the Arizona Department of Public Safety's Criminal History Records Section at (602) 223-2222. For a copy of criminal history in any jurisdiction outside of Arizona, the applicant can contact the FBI at (304) 625-3878 or visit www.fbi.gov for information on the review and challenge process.

For more information, visit Arizona State Board for Charter Schools at:
http://www.asbcs.az.gov/school_resources/fingerprinting.asp

(Clearance Card/Fingerprint Check Quick Reference Chart on back of this page.)

CLEARANCE CARD/FINGERPRINT CHECK QUICK REFERENCE CHART

APPLICANT/POSITION TYPE	STATE STATUTE	TYPE OF PROCESS
Teacher Certification	ARS 15-534	IVP Clearance Card
Teacher Preparation programs (Paid/Volunteer)	ARS 15-534	IVP Clearance Card
Charter School Instructor (Classroom/Laboratory)	ARS 15-183	IVP Clearance Card
Non-instructional personnel (Examples: office workers, custodians)	ARS 15-183 ARS 15-512	Fingerprint criminal history check (criminal history sent to school)
Principal	ARS 15-183	IVP Clearance Card
Supervisory Teacher	ARS 15-183	IVP Clearance Card
Speech Therapist	ARS 15-183	IVP Clearance Card
Volunteers not directly supervised by an employee with a clearance card	ARS 15-512	Fingerprint criminal history check (criminal history sent to school)
Contracted tutoring services (Paid/Volunteer)	ARS 15-534	IVP Clearance Card
Other contractors/subcontractors and their employees (Examples: food service, contracted cleaning services, construction)	ARS 15-512	Non-IVP Clearance Card
Vendors and their employees	ARS 15-512	Non-IVP Clearance Card
All others	ARS 15-183 ARS 15-512	Fingerprint criminal history check (criminal history sent to school)